

~~Executive Director~~

2004 11 10

Commonwealth of Kentucky
Public Service Commission

P.O. Box 615

211 Sower Boulevard

Frankfort, Kentucky 40602-0615

Phone (502) 564-3940

Fax (502) 564-3460

Re: Schmidts vs. Cinergy

Case 2004 00454

RECEIVED

NOV 15 2004

PSC Consumer Services

RECEIVED

NOV 15 2004

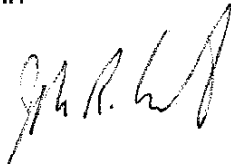
PUBLIC SERVICE
COMMISSION

This letter covers formal complaint occasioned by wrongful termination of residential gas service by Cinergy ULH&P.

14 Copies of the double-sided documents are provided including business information sheet.

Please confirm your receipt of this Complaint, with assigned Case Number and Date Stamp.
A return envelope is provided for your convenience.

Thank you, sincerely,
john



John R. Schmidt, M.S.
463 Erlanger Rd
Erlanger, KY 41018-1427
859-727-9999

COMMONWEALTH OF KENTUCKY
BEFORE THE **PUBLIC SERVICE COMMISSION**
No. _____

In the matter of:

Deborah B. Schmidt & John R. Schmidt, Complainants
vs.
Cinergy Union Light Heat & Power, Defendant

COMPLAINT

The complaint of Deborah Schmidt and John Schmidt respectfully shows:

(a) Deborah Schmidt & John Schmidt
463 Erlanger Rd
Erlanger, KY 41018-1427

RECEIVED

NOV 15 2004

**PUBLIC SERVICE
COMMISSION**

(b) 1. Cinergy ULH&P
139 E. Fourth St.
Cincinnati, OH 45202

Case 2004-00454

2. The Union Light, Heat and Power Company
1697 A Monmouth St
Newport, KY 41071

(c) That:

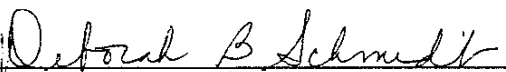
1. Defendant wrongfully terminated gas service to residence Account # 7600-0403-24-1 at 3126 Hulbert Ave, Erlanger, KY 41018, on 2004 October 4.
2. The 2004 August 25 billing statement was accompanied by the yellow Disconnection Notice which stated that payment was required by September 17, 2004 in order to avoid disconnection.
3. Prior to September 16, 2004, in a conversation between Deborah Schmidt and Cinergy representative "Toya", it was confirmed that the amount needed in order to avoid disconnection was \$177.12, the amount of the unpaid July 29 billing statement.
4. Payment in the amount of \$177.12 (check #1517) was personally deposited into the Cinergy depository by John Schmidt at above address # 1, at 2004 September 16, 3:10 pm, along with yellow Disconnection Notice stating the September 17 deadline.
5. The said check was deposited and negotiated by Cinergy on September 17, 2004.
6. Payment of \$375 on subject account on 2004 July 20 represents further evidence of due diligence in meeting the obligation accrued since 2002 November 1 by Deborah Schmidt to Cinergy.
7. The 2004 September 24 billing statement did not include a "separate, distinct disconnect notice" as had the August 25 bill. It did note the **undated** payment of 177.12, and a due date of **October 18**, and provided no other deadline **date** by which to make payment. On the same Sep 24 statement, small-print occurrence of the term "immediately", in the context of above-noted due diligence, can have only indeterminate meaning, but was interpreted as emphasizing the printed **October 18** deadline.
8. On October 4, 2004, employees of Cinergy appeared at subject property and indicated to Deborah Schmidt that they were "cleaning the line," without indicating they were turning off the service.

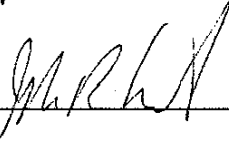
9. On October 5, 2004 without notice and by deception, the gas service was discovered terminated.
10. On October 5, 2004 Cinergy representative "Shan" falsely stated payment was received (too late) on "Saturday" September 18, contradicting the fact, learned by Schmidt on 2004 October 17, of item 5.
11. On October 20, in eMail conveyed to Schmidt by PSC, Cinergy admitted the false witness of item 10, coupled with new assertion contradicting the printed date on the yellow Disconnection Notice of the August 25 billing.
12. After meeting the stated deadline of September 17, 2004, no "separate, distinct disconnect notice" was received by Deborah and John Schmidt, as required prior to disconnection, as provided by 807 KAR 5:006 Section 13.
13. Deborah Schmidt and John Schmidt have been inconvenienced by not having hot water and not having heat in their primary residence since October 4, 2004.
14. Subsequent to repeated requests by John Schmidt to change the account name from Deborah Schmidt, who now has no ownership of the subject property, to John Schmidt, Cinergy has not effected said request.
15. John Schmidt diligently paid on 2002 Nov 11 the final bill on the same account prior to assumption of the account by Deborah Schmidt effective 2002 Nov 1. John Schmidt is a well-established Cinergy customer who for 30 years has managed several Cinergy accounts. Late in 2003, Cinergy finally admitted wrongful behavior commencing early 2001 on a Cinergy CG&E account, wrongfully and irreversibly harming Schmidt's Credit Score, directly affecting the capacity for his company NCAD Corporation to provide public and private service to customers, including government and professionals.

Wherefore, complainant prays for justice asking:

1. Restoration of gas service to 3126 Hulbert Ave, under the name John R. Schmidt, at no additional fee.
2. Compensation for wrongfully imposed inconvenience to the Schmidt family, at \$20/day, for each day of disconnection, or such other remedy as the Commission may ascribe. Said compensation may be applied to the subject account as a credit against amount owing, and subsequent usage charges.

Dated at Erlanger, KY, this 10 day of November, 2004.

 Deborah B. Schmidt

 John R. Schmidt, M.S.

2004 July 30

At Your Service

John R. Schmidt, **Master of Science**
President, NCAD Corporation

Mission: Facilitate use of technology to improve our World
Focus: Knowledge Engineering with Geographic Information Systems
Expertise: Computer Engineering: network GIS, CAD, GPS, Accounting, IT.

Highlights

John started NCAD Corporation in 1988 to facilitate use of A/E/C CAD and GIS. After a decade implementing Softdesk solutions for surveyors, civil engineers and architects, NCAD continues the focus on GIS providing a complete range of support and solutions based on **ESRI** software technology. With a love of teaching, John is Authorized **Instructor** of ESRI's ArcCAD, ArcView 3, and ArcGIS 8, and is trained on practically all ESRI products.

Since 1991, NCAD provides mainstream, optimum synthesis of hardware from Intel and software from Microsoft (known as "Wintel") in workstations and servers based on Intel mainboards. John is trained by Microsoft, Intel, and Cisco to implement advanced internetworking of Windows 2000-3 Server technologies, and ESRI's ArcIMS.

In 1995, recognizing the importance of accurate positioning for surveyors, engineers, and GIS managers, NCAD determined the bases for evaluating GPS technology, mining the knowledge embedded in the 144-page *UNAVCO (GPS) Receiver and Antenna Test Report*. (Funded by the National Science Foundation, this **Report** was the only rigorous comparison of dual-frequency GPS receivers from 4 leading GPS manufacturers.) The **NCAD Summary** of this **Report** confirmed Federal selection of the Ashtech Z12 receiver in the emerging national network of 100 Continuously Operating Reference Stations. In 1996 NCAD became the first private sponsor of a **CORS**, named **Erla**, determined by the National Geodetic Survey to be the most stable among the growing nationwide network, now over 400. **CORS** is the foundation of the Federal Base Network on which GIS locations are based.

After 3 years implementing what is now Microsoft Great Plains Dynamics Accounting, John has developed, in Microsoft Excel, a complete accounting system, named **NacTax**, (National Accounting and Real-time Reporting and Tax Computation), now serving NCAD Corporation, and adaptive for use by organizations, nationwide.

Author

Dimensions of 3D <http://ncad.net/dim3d.htm>
The Surveyor's GIS <http://ncad.net/plso99zg.htm>
Visualizing Earth... <http://www.esri.com/news/arcnews/fall01/articles/visualizingearth.html>

Education

1968, Beechwood H.S., Salutatorian; first president of Northern Kentucky Youth in Politics.
1972, Bachelor of Arts, Williams College, Massachusetts, major: Phenomenology of Religion.
1973 - 76, U.Cincinnati College of Medicine; 37% above class avg. on National Board Exam.
1976 - , self-taught director of full-service property construction and management company.
1985, Master of Science, U.Cincinnati College of Engineering Dept of Computer Engineering.

Steadfast goal is enduring, optimum Life for all on Mother Earth.

I believe facilitating use of GIS is the most effective way to serve this mission.

Earth Model Do!

emodo

john r. schmidt, M.S.

Local 859 727-9999
yonder 877 421-NCAD
mobile 513 532-NCAD
fax 859 727-6789

john@

463 Erlanger Rd
Erlanger, KY 41018-1427

NCAD.NET
Corporation

about NCAD

NCAD™ Corporation, since 1989 serves the tri-state community with computer engineering focused on:

- **Computer Systems and Networking**
- **Knowledge Engineering**
- **Geographic Information Systems**
- **optimized use of the Global Positioning System.**

Some NCAD highlights:

- 1989 **1st** in 12-state Region Business Partner with Environmental Systems Research Institute (ESRI).
- 1992 **1st** in Region "Wintel" OEM System Builder integrating CAD and GIS with Microsoft Windows networking.
- 1993 **1st** in Region Dedicated to Windows NT for desktop and network operating systems.
- 1996 **1st** in World to clarify GPS receiver comparisons.
- 1996 **1st** in World private organization providing National Geodetic Survey (NGS) **CORS** service:
- 1997 john authored **Dimensions of 3D** <http://ncad.net/dim3d.htm>
- 1998 Continuously Operating Reference Station "Erla" is declared by NGS most stable CORS in a growing, national network now approaching 500, and is the only fully-monumented CORS in OH-KY-IN.
<<http://www.ngs.noaa.gov/CORS>>.
- 1999 john authored and presented **The Surveyor's GIS** at the Professional Land Surveyors of Ohio
<<http://ncad.net/plso09zg.html>>
- 2000 Erla among 11 international GPS Reference Stations reported by NGS Chief Geodesist as SA is zeroed.
<<http://www.igeb.gov/sa/diagram.shtml>>
- 2001 john authored ESRI ArcNews article:
<<http://www.esri.com/news/arcnews/fall01/articles/visualizingearth.html>>
- 2002 KY Legislature, facilitated by NCAD, unanimously passes **SB257** protecting KY from uncontrolled merchant Power ventures
- 2003 **NacTax** complete National Accounting, Real-time Reporting, & Tax computation system -- in MS Excel.
- 2003 **1st** CORS source, outside California, of Real-time dual-frequency Corrections broadcast over the iNternet.

From field to iNternet (we call it "*the N*"), **NCAD** provides complete service to business and government organizations, enabled by advanced server, spatial, and mobile technologies. Let us guide you on the most **cost-efficient** path to manageable, scalable Geographic Information Systems.

NCAD engineers the most integrated Intel-based **Pentium 4** workstations and **Xeon** servers, with Microsoft **Windows Server 2003**. We provide Cisco secure iNternet-working of Microsoft Advanced Server technologies, providing assured foundation for even complex applications like ESRI **ArcIMS**.

Having mastered Microsoft Great Plains Dynamics accounting, **NCAD** constructed **NacTax** to provide simple, complete, real-time **corporate accounting and tax computation** based on Microsoft Excel.

NCAD solutions and service integrate the industry's best technology including **hp output** and **Compaq mobile** technology, featuring the **Evo N** series **notebooks** and amazing **Tablet PCs**.

Geographic Information Systems are facilitated by **Environmental Systems Research Institute**.

We invite you to benefit from our knowledge, experience, and service to the tri-state OH-KY-IN, since 1987. In OH-KY-IN, nearly every state and local government agency has standardized on **ESRI** to implement GIS.

ArcGIS is the foundation for a career enhanced by GIS capability. There are two primary modes of involvement with GIS: building it, and using it. The best **Users** know how it is constructed, and conversely, the best **Builders** understand what users expect. At www.NCAD.net is a *Schedule of learning opportunities for ArcGIS Builders and Users*.

Thank you for your continuing interest!

www.NCAD.net.

john r. schmidt, M.S.

More info at

Map: <http://ncad.net/map2NCAD.jpg>

Dynamic Map: <http://ncad.net/KyRep.htm>

Local 859 727-9999
yonder 877 421-NCAD
mobile 513 532-NCAD
fax 859 727-6789

john@

463 Erlanger Rd
Erlanger, KY 41018-1427

NCAD.NET
Corporation